

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Case No. 09-50208

THADDEUS JOHN MAC, JR., and  
VICTORIA JOYCE MAC,

Chapter 7

Judge Thomas J. Tucker

Debtors.

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**ORDER DENYING DEBTORS' MOTION TO EXTEND TIME "TO ACCEPT"  
REAFFIRMATION AGREEMENT**

This case is before the Court on Debtors' motion entitled "Debtor's Petition Extend Time to Accept Reaffirmation Agreement," which Debtors filed twice on October 20, 2009 (Docket ## 15 and 16, the "Motion"). The Motion seeks an extension of time for the Debtors to "accept" (and, presumably, to file) a reaffirmation agreement between Debtors and GMAC.

Debtors filed their voluntary petition for relief under Chapter 7 in this case on April 2, 2009. On August 24, 2009, the Court entered an order granting Debtors a discharge under 11 U.S.C. § 727 (Docket # 13).

The deadline to file a reaffirmation agreement is established by Fed.R.Bankr.P. 4008(a) — the deadline is "no later than 60 days after the date first set for the meeting of creditors under § 341(a) of the Code." In this case, the deadline was July 6, 2009. Rule 4008(a) also provides that the Court may extend this deadline. But Fed. R. Bankr. P. 4004(c)(1)(J) contemplates that such a motion to extend can only be granted if the discharge has not yet been granted. *See* Fed.R.Bankr.P. 4004 advisory committee notes to 2008 Amendments ("Rule 4004(c)(1)(J) accommodates . . . an extension [of time for filing a reaffirmation agreement] by providing for a delay in the entry of discharge during the pendency of a motion to extend the time for filing a reaffirmation agreement."). Under 11 U.S.C. § 524(c)(1), a reaffirmation agreement is not

enforceable unless it “was made before the granting of the discharge under section 727.”

In this case, it appears that no reaffirmation agreement between Debtors and GMAC was made before Debtors were granted a discharge on August 24, 2009. As a result, there can be no enforceable reaffirmation agreement between these parties. Therefore, no purpose would be served by granting the Debtors’ motion, even if the Court otherwise had the authority to do so.

Accordingly,

IT IS ORDERED that “Debtor’s Petition Extend Time to Accept Reaffirmation Agreement” (Docket ## 15 and 16), is DENIED.

**Signed on October 22, 2009**

/s/ Thomas J. Tucker  
**Thomas J. Tucker**  
**United States Bankruptcy Judge**